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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,370	02/28/2002	Bari W. Brown	LEAR 0925 PUS	6558

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EXAMINER	
PURVIS, SUE A	
ART UNIT	**PAPER NUMBER**
1734	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,370	BROWN, BARI W.	
	Examiner	Art Unit	
	Sue A. Purvis	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *5,7,13,15,17 and 18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8-12,14 and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claim 17 and 18 drawn to an invention nonelected with traverse in the reply filed on 16 July 2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. It is unclear to the examiner what the term 'NCO' stands for. There is definition of NCO in the specification nor any explanation by the applicant as to what the term means, thus making the scope of the claim unascertainable by the examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4, 6, 8-12, 14, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beltramo (GB 2,082,961) in view of van der Kooy (US Patent No. 5,037,690).

Beltramo discloses a method of making a composite vehicle panel including a manufacturing a skin in a vacuum-forming mold (10) and then transferring the skin to a RIM mold (12). A polyurethane mix is injected into the mold and reaction injection molding is used to form the final panel. It is known in the art the polyurethane is an isocyanate and resin mix. Beltramo discloses having a reinforcing layer comprising glass fibers in the form of a mat or cloth. However, Beltramo does not disclose using natural fibers.

van der Kooy discloses using natural fibers as a reinforcement material along with a polyurethane mixture. Furthermore, van der Kooy is drawn to a making a door panel of an automobile. (Col. 1, lines 22-38; Col. 2, lines 8-17.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use natural fibers in the process of Beltramo in place of the glass fibers because van der Kooy teaches that providing shaped product which is environmentally friendly and can be processed. It is known by the teachings in van der Kooy that the properties of the natural-fiber material and of the plastics material, can lead to material combinations having particular properties.

Regarding claims 2 and 10, van der Kooy discloses using jute or flax. (See Abstract.)

Regarding claims 3 and 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trim the skin in Beltramo in view of van der Kooy before placing the natural fibers and polyurethane mix onto the skin if the skin were too big. Trimming the skin before it is made into a panel is within the purview of the artisan because the skin may be too big for the RIM mold and thus need to be trimmed to fit.

Regarding claims 4 and 12, Beltramo discloses trimming the final product thus the trimming step occurs after the polymerization.

Regarding claims 6 and 14, Beltramo discloses providing the reinforcing layer in the form of a mat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the natural fibers in the form of a mat, because that is how Beltramo provides the glass fiber reinforcing layer.

Regarding claims 8 and 16, Beltramo discloses applying the mat then the polyurethane mix.

Regarding claim 9, this process is essentially the same as the process in claim 1, because in claim 1 the isocyanate and resin mixture is also polymerized in the presence of the skin and natural fiber.

Regarding claim 19, the temperature at which to heat the mold is often determined by the material being molded and by routine experimentation thus it is within the purview of one having ordinary skill in the art. Generally, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Response to Arguments

7. Applicant's arguments filed 10 January 2005 have been fully considered but they are not persuasive.

8. In response to applicant's argument that van der Kooy teaches away from the combination of Beltramo in view of van der Kooy, the test for obviousness is not whether

the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner relied on the teaching in van der Kooy which shows the glass fibers and natural fibers are both known to be used. Then the examiner used knowledge generally available in the art that natural fibers would be preferable to the glass fibers used in Beltramo because they are known to be more environmentally friendly.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

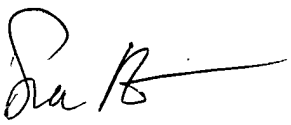
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
April 3, 2005